



AGENDA
AD HOC COMMITTEE ON DIVERSITY
Friday, August 12, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley
Councilmember Jody Washington

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes
 - July 22, 2016
5. Action/Discussion:
 - A. City Attorney Update on the Human Rights Ordinance Chapter 297 Amendments
 - B. Discussion on upcoming meetings
6. Other
 - Updates on Participants in the Committee
7. Adjourn

DRAFT



MINUTES AD HOC COMMITTEE ON DIVERSITY Friday, July 22, 2016 @ 11:30 a.m. Council Conference Room, 10th Floor, City Hall

Call to Order

The meeting was called to order at 11:31 a.m.

Committee Members

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley
Councilmember Jody Washington- excused

Others Present

Sherrie Boak, Council Staff
Imam Sohail Chaudhry, Islamic Center of East Lansing
Al Salas
Stacey Locke, Peckham
Sandy Wolfe, Peckham
Tammy Lemmer, TCOA
Jim Bale, Greater Lansing Labor Council
Elaine Womboldt
Tedi Parsons, LEAP
Anas Attal, LEAP
Rafael Martinez, MSU
Stephen Purchase
Mark Dotson, Deputy City Attorney
Jennifer Tucker, Ameri Corps

Minutes

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE MINUTES FROM JULY 8, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Presentation

Islamic Center of East Lansing (Imam Sohail Chaundhry)

Introductions

Imam Chaudhry distributed an outline of Islam and misconceptions (attached). Currently it is noted there are 1.6 billion followers and 75% of them are female and large population in the correctional systems. The misconceptions of Islam falls under the misguidance of or the media version of extremes. Imam Chaudhry stated his opinion that the media is not interested in

DRAFT

researching the middle group of non-extremists. His belief when asked was that the vast majority of females convert do to the dignity and respect Islam gives a female. Mr. Parsons asked when the backlash started, and Imam Chaudhry stated 911 was the turning point, but the lack of education is more impact and the war against terrorism. They are fighting philosophy with bombs. Islam is a religion of peace. Mr. Attal added that radical Islam implies that violence is embedded because of the propaganda war. Imam Chaudhry encouraged education as the next movement, with education in the schools, and everyone working together to combat together to address the ignorance. Imam Chaudhry invited the Committee and public to attend their Islam 101 every first Sunday of the month at 2 p.m., and encouraged everyone to invite their organizations.

Council Member Wood asked Council Staff to contact the Council President to invite Imam Chaudhry to a future Committee of the Whole meeting.

Mr. Attal asked the Committee what makes up America, there are a set of values, and a constitution where does it say be hateful.

Mr. Martinez suggested inviting a member of the Muslim community to be a part of this committee.

Ms. Tucker invited everyone to the day of service event on September 10, 2016 at the Hannah Community Center that will seek to improve the public perceptions of people who are Muslim and/or of Middle Eastern decent. The theme will be "Bridging the Gap: ONE Nation".

The Committee then was informed by Imam Chaudhry of the prophet and revelation to deliver, the messiah and the difference between the Nation of Islam and Islam. It was encourage to understand the text and how it was scribed. Lastly they heard about day to day experiences, and the Sharia Law.

Action/Discussion

City Attorney Update on the Human Rights Ordinance Chapter 297 Amendments

At the August 12th meeting the discussion will continue on the ordinance and the ability of the use of the citizen investigator.

Adjourn

Adjourn at 12:53 p.m.

Submitted by, Sherrie Boak, Council Office Manager

Approved by Committee on _____

ISLAM AND THE MISCONCEPTIONS THAT EXIST IN THE WEST ABOUT IT

By: Imam Sohail Chaudhry
Islamic Society of Greater Lansing
info@lansingislam.com

What is Islam?

- Word 'Islam' means Surrender, Submission, Obedience, Sincerity and Peace with God.
- Islamic Beliefs: Unity of God, belief in Angels, Prophets & Messengers, Holy Books (Torah, Gospel and Qur'an), Life after Death and Pre-ordainment.
- Pillars of Islam: Declaration of Faith, Five daily prayers, Fasting the month of Ramadan, Paying charity and Pilgrimage to Mecca.
- Sources of Islam: Qur'an (authoritative source), Hadith (Sayings of the Prophet: Explanatory Source), Consensus of Scholars and Critical Reasoning.
- Fastest growing religion of the World with over 1.6 Billion followers.

Common Misconceptions:

- Muslims worship a stone in the desert and kiss the ground five times a day. (Muslims worship One God, the God of Abraham and Moses and Jesus)
- All Muslims are Arabs (Only 13% of the Muslims are Arabs, Indonesia being the largest Muslim population of the world)
- All Arabs are Muslims (There are many Arab Jews and Arab Christians)
- Jihad means "Holy War" and Islam preaches terrorism (Jihad means to struggle for the truth and against evil and physical combat is just one of the facets of Jihad. Jihad is not the same as terrorism)
- Islam is intolerant towards other religions (Jews and Christians are called the 'People of the Book', a respectful title in the Quran. People of other faiths prospered under the shade of the Islamic Empire for hundreds of years)
- Islam spread through the use of the sword (Islam spread through the amazing character traits of early Muslims. It was through trade and commerce that people of other civilizations came into contact with the Muslims)
- Women have no rights in Islam (Women have spiritual, inheritance, parental, economic and social rights in Islam. Islam preaches equity between the genders not equality)
- Jesus (Peace be Upon Him) in Islam (He is considered to be one of the mightiest messengers of God, one who could bring people back to life, born miraculously, cure the blind and the lepers. One who will return at the end of times. There is a chapter in the Quran called, 'Mary')

Submitted by

Hendershot, Amiee

From: Wood, Carol
Sent: Friday, July 22, 2016 9:32 AM
To: Hendershot, Amiee
Cc: Boak, Sherrie
Subject: Please print out about 20 copies for today's meeting of the Ad Hoc Committee on Diversity

Hello!

My name is Jennifer Tucker and I am an AmeriCorps Member currently serving with the Michigan Foreclosure Prevention Corps. I was given your contact information by a mutual associate Br. Thasin Sardar.

Myself, and the committee of people working with me, are putting together a one-day community event that seeks to improve the public perceptions of people who are Muslim and/or of Middle Eastern decent. This event, affectionately entitled, "Bridging the Gap: ONE Nation", has been designed to be a day of learning, community engagement, and healing. There will be free lunch from Sultan's provided, free refreshments (water, coffee, tea, snacks), and community resources available. This event is also FREE to everyone who wishes to attend. We have been successful in securing many community sponsors and are now ready to spread the word so that people will have an opportunity to join us!

The event is being held on September 10, 2016 from 1pm until 4pm at the Hannah Community Center on Abbott Road in East Lansing, MI.

The reason that I am reaching out to you today is to request more information regarding your services. I believe that your supporters would benefit greatly from the information that I would like to share with them and I would like to know how I can do that!

Please reach back out to me at your-earliest convenience. You may contact me either via email at: jennifer@capitalareahousing.org; or by phone at: 313-549-1589. Also, please feel free to check out our website here!

Thank you very much!

Kindest Regards,

Jennifer Tucker
AmeriCorps Member,
Michigan Foreclosure Prevention Corps
Capital Area Housing Partnership/Franklin Street, CHC

submitted @ mtg

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND
AND RENAME SECTION 297 OF THE LANSING CODIFIED
ORDINANCES.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 297 of the Codified Ordinances of the City of Lansing,
Michigan, be and is hereby amended to read as follows:

CHAPTER 297. HUMAN RIGHTS

Editor's note – Ordinance No. 1120, § 1, adopted December 18, 2006, added a new chapter 297
to read as herein set out. Formerly, such chapter pertained to human relations and was repealed
by Ord. No. 957, 11-25-96.

297.01. – Intent.

It is the intent of the City of Lansing that no person be denied the equal protection of the laws;
nor shall any person be denied the enjoyment of their civil rights or be discriminated against
because of their actual or perceived race, color, religion, national origin, sex, age, height, weight,
marital status, physical or mental disability, family status, sexual orientation, gender identity,
veteran status or HIV status, as all forms of discrimination adversely affect Lansing citizens
and the quality of life and opportunities available to all people.

Nothing herein contained shall be construed to prohibit any cause of action based on any other

Lansing, Federal or State law.

(Ord. No. 1120 § 1, 12-18-06)

297.02. - Definitions.

As used in this Chapter, the following words and phrases have the following meanings:

Age: Chronological age as measured from date of birth.

Ancestry: The nationality, ethnicity, or family lineage from which a person is a descendent.

Bona fide occupational qualifications: Characteristics that are reasonably necessary for the proper performance or evaluation of an occupation or the normal operation of a business.

**BULLYING: REPEATED, PERSISTENT, WILLFUL, AGGRESSIVE BEHAVIOR
DIRECTED AT ANOTHER PERSON THAT IS INTENDED TO CAUSE HARM TO THE
OTHER PERSON'S BODY, EMOTIONS, SELF-ESTEEM OR REPUTATION.**

Contractor: A person who by contract furnishes services, materials or supplies. "Contractor" does not include a person who is merely a creditor or debtor of the City, such as those holding the City's notes or bonds or persons whose notes, bonds or stock are held by the City.

Discriminate/discrimination: To make a decision, offer to make a decision or refrain from making a decision in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, marital status, physical or mental disability, family status, sexual orientation gender identity, or HIV status . Discrimination based on sex includes sexually harassment, which mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature .when:

(i) Submission to such conduct or communication is made a term or condition or condition either explicitly or implicitly to obtain employment, public accommodation or housing.

(ii) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

(iii) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment accommodations or housing, or creating an intimidation, hostile, or offensive employment, public accommodations, or housing environment.

Employee: A person, paid or unpaid, performing work duties for an employer, including an applicant for paid or volunteer employment, or a participant in a training or apprenticeship program.

Employer: Any person with a business located within or doing business within the corporate

City limits of Lansing or doing Business with the City of Lansing who employs or is seeking to employ five or more employees, including any agent of that person or entity.

Employment: The act of an employee performing work duties for an employer.

Employment agency: Any person, paid or unpaid, who regularly undertakes to procure, refer, recruit, or place an employee with an employer, including any agent of that person.

Familial status: The state of being in a family or functional family.

Family: Any one of the following:

(1) An individual who is pregnant; or

(2) Two or more individuals related by blood within four degrees of consanguinity, marriage, adoption, or in a foster care relationship.

Functional family: A group of individuals who do not meet the definition of “family,” living together as a single housekeeping unit and intending to live together as a single housekeeping unit for the indefinite future. “Functional family” does not include a fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Gender identity or expression: A person’s gender-related self-perception, appearance, or

behavior, regardless of that person's BIOLOGICAL sex at birth.

Harass/harassment: Physical conduct or communication directed at another person intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, places of public accommodation, public services, or housing.

HOSTILE WORK ENVIRONMENT: THIS DEFINITION ADOPTS BY REFERENCE THE DEFINITION OF THIS TERM UNDER MICHIGAN LAW AND INCLUDES THAT A HOSTILE WORK ENVIRONMENT EXISTS WHEN THERE IS PERSISTENT AND PERVASIVE DISCRIMINATORY CONDUCT OR BEHAVIOR IN THE PLACE OF WORK THAT IS UNWELCOME AND OFFENSIVE TO AN EMPLOYEE OR GROUP OF EMPLOYEES, OF A PROTECTED CLASS STATUS, THAT IS SEVERE ENOUGH TO DISRUPT, BEYOND A REASONABLE DEGREE, THE WORK OF THE TARGETED EMPLOYEE OR EMPLOYEES.

Housing status: The state of having or not having a fixed residence, including, but not limited to, the state of owning or renting (with or without receiving public housing assistance) a place to live. This includes a person's type of dwelling or shelter, including, but not limited to, single family or multiple family homes, apartments, condominiums, rooming houses, housing cooperatives, hotels, motels, public or subsidized housing units, retirement homes, nursing homes, and temporary or long-term shelters.

Irrelevant characteristic/irrelevant characteristics: Any status or condition which is unrelated to a person's ability to:

- (1) Safely and competently perform specific duties of a particular job or profession, or qualify for promotion,
- (2) Use or benefit from a place of public accommodation,
- (3) Use or benefit from public services, or
- (4) Acquire, rent, or maintain property.

"Irrelevant characteristics" do not include bona fide occupational qualifications but do include a person's actual or perceived race, religion, ancestry, national origin, color, sex, age, height, weight, student status, marital status, familial status, housing status, veteran status, political affiliation or belief sexual orientation, gender identity or expression, mental or physical limitation, SOURCE OF INCOME, OR SERVICES IN ARMED FORCES IN SOVERIGNNATIONS.

Labor organization: Any union, committee, association, or organized group of employees that exists primarily for the purpose of dealing with employment concerns, grievances, wages, labor disputes, rates of pay, hours of work, or other terms or conditions of employment.

Marital status: The state of being single, married, separated, divorced, in a functional family, or

1 a surviving spouse.

2
3 Mental limitation: Actual or perceived disability or handicap, as those terms are defined in the
4 Michigan Persons With Disabilities Civil Rights Act, or limitation regarding mental capabilities
5 unrelated to a person's ability to:

6 (1) Perform a particular job or profession or qualify for promotion,

7 (2) Use or benefit from a place of public accommodation,

8 (3) Use or benefit from public services, or

9 (4) Acquire, rent, or maintain property.

10
11 "Mental limitation" includes, but is not limited to, developmental disabilities, psychological
12 conditions, and the use by any person of adaptive devices, aids, or medication to mitigate such
13 limitations. "Mental limitation" does not include any condition caused by the current use of an
14 illegal or controlled substance or alcohol.

15
16 National origin: The country where a person or a person's ancestors were born. Discrimination
17 against a person based on national origin shall include discrimination against nonnaturalized
18 citizens and persons for whom English is a second language.

19
20 Perceived: As used in this chapter "perceived" refers to the perception of the person who acts,
21 and not to the perception of the person for or against whom the action is taken..

1
2 Person/persons: One or more individuals, partnerships, associations, or organizations; labor
3 organizations, labor unions, or joint apprenticeship committees; businesses, companies, or
4 corporations; legal representatives, receivers, trusts, or trustees; unincorporated organizations;
5 employers or employment agencies; employees or contractors; realtors, real estate brokers,
6 salespersons, or leasing agents; the City of Lansing, agencies of the city, and any recipient of city
7 funds or any other legal or commercial entity.

8
9 Physical limitation: Actual or perceived disability or handicap, as those terms are defined in
10 the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding physical
11 capabilities and human motor performance unrelated to a person's ability to:

- 12 (1) Safely and competently perform specific duties of a particular job or profession or qualify
13 for promotion,
14 (2) Use or benefit from a place of public accommodation,
15 (3) Use or benefit from public services, or
16 (4) Acquire, rent, or maintain property.

17
18 "Physical limitation" includes, but is not limited to, blindness or partial sightedness, deafness or
19 hearing impairment, muteness, partial or total absence of any body part(s), speech impairment,
20 motor impairment, and the use by any person of adaptive devices or aids to mitigate such
21 limitations.

1
2 "Physical limitation" does not include any condition caused by the current use of an illegal or
3 controlled substance, or alcohol.

4
5 Place of public accommodation: A place open to the general public that is a facility or business
6 of any educational, governmental, nonprofit, health, day care, entertainment, cultural,
7 recreational, refreshment, transportation, or human services, financial, or other business of any
8 kind, whose goods, services, facilities, activities, privileges, or advantages are extended, offered,
9 sold, rented, leased, or otherwise made available to the public.

10
11 Public services: Goods, services, facilities, activities, privileges, or advantages extended,
12 offered, sold, rented, leased, or otherwise made available to the public through a department,
13 agency, board, or commission owned, operated, or managed by or on behalf of the state or a
14 political subdivision of the state or a nonprofit organization, including tax-exempt private
15 agencies, which receive financial support through the solicitation of the general public or through
16 governmental subsidy of any kind.

17
18 Real property: Any habitable or potentially habitable land or building, as used in this definition
19 "habitable building" includes, but is not limited to, single and multiple family homes,
20 apartments, condominiums, housing cooperatives, mobile homes or trailers, mobile home or
21 trailer parks, and tenements, including any lease or interest in real property.

Religion: All aspects of religious observance, dress, practice, and belief.

Sexual orientation: A PERSON'S SEXUAL IDENTITY IN RELATION TO THE GENDER TO WHICH THEY ARE ATTRACTED; THE FACT OF BEING HETEROSEXUAL, HOMOSEXUAL, BISEXUAL, OR ASEXUAL. Sex: The condition of being male, female, OR INTERSEX. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodation, or housing; or

(2) Submission to or rejection of such conduct or communication by a person is used as a factor in decisions affecting such person's employment, public accommodation, or housing; or

(3) Such conduct or communication has the purpose or effect of substantially interfering with a person's employment, public accommodation, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, or housing environment.

Student status: The current state of pursuing a diploma/degree at any educational institution.

Source of income: Any legal source from which a person obtains money.

Veteran Status: Having served in any unit of the United States Armed Forces or their reserve components, including the National Guard and the Coast Guard.

(Ord. No. 1120, § 1, 12-18-06)

297.03. – Discriminatory employment practices.

(a) Except as otherwise provided, no employer shall discriminate against any other person with regard to recruiting, referring, hiring, contracting, compensating, grading, classifying, promoting, demoting, disciplining, terminating or otherwise restricting or conditioning terms and privileges of employment.

(b) Except as otherwise provided, no labor organization or apprentice program shall discriminate by limiting membership, conditions of membership, privileges of membership or termination of membership of any person in any labor union or apprentice program.

(c) Except as otherwise provided, no person shall discharge, terminate, expel, or otherwise discriminate against any other person because that person has opposed any discriminatory practice forbidden by this chapter or has filed a complaint, testified, or assisted in any proceeding regarding any discriminatory practice forbidden by this chapter.

(Ord. No. 1120, § 1, 12-18-06)

297.04. – Discriminatory Public Accommodation Practices.

(a) No person shall discriminate against any other person by withholding, denying, curtailing,

1 or otherwise limiting the full use and enjoyment of places of public accommodations.

2
3 (b) No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother
4 within any place of public accommodation where she and the child would otherwise be
5 authorized to be.

6 (Ord. No. 1120, § 1, 12-18-06)

7
8 297.05. – Discrimination in provision of public services.

9 (a) No person shall discriminate against any other person in providing information, offering
10 access, or making referrals regarding public services, or by withholding, denying, curtailing, or
11 otherwise limiting the full use of and benefit from public services.

12 (Ord. No. 1120, § 1, 12-18-06)

13
14 297.06. – Discriminatory housing practices.

15 (a) No person shall discriminate in referring, leasing, selling, renting, showing, advertising,
16 pricing, offering, inspecting, listing, or otherwise making available any real property, including
17 discrimination in providing information and receiving or communicating a bona fide offer on any
18 real property.

19
20 (b) No person shall discriminate in (a) the application, conditions, or granting of mortgages or
21 other financing, (b) the offer, conditions, or sale of home-owner or rental insurance, or (c) the

1 contracting of construction, rehabilitation, maintenance, repair, or other improvement of any
2 housing facility.

3
4 (c) No person shall refuse to lend money for the purchase or repair of any real property or insure
5 any real property solely because of the location in the city of such real property.

6
7 (d) No person shall promote any sale, rental, lease, sublease, Exchange, transfer, or assignment
8 of real property by representing that changes are occurring or will occur in an area with respect
9 to any irrelevant characteristics.

10
11 (e) No person shall indicate, communicate, or otherwise represent to another person that any real
12 property or interest therein is not available for inspection, sale, rental, or lease knowing in fact it
13 is available, including failing to make a person aware of a real property listing, refusing to permit
14 inspection of real property, and representing that a property has been sold when In fact it has not.

15
16 (f) No person shall offer, solicit, accept, use or retain a listing of real property or an interest
17 therein with the understanding that a person may be discriminated against in a real estate
18 transaction or in the furnishing of facilities or services in connection therewith.

19 (Ord. No. 1120, § 1, 12-18-06)

20
21 297.07. - Other prohibited practices.

(a) No person shall adopt, enforce, or employ any policy or publish, circulate, post, mail, or otherwise broadcast any statement, advertisement, sign, or notice or use a form of application or make a record of inquiry which directly or indirectly discriminates or indicates discrimination in providing employment, public accommodations, public services, ~~or~~ housing, OR HEALTH CARE.

(b) No person shall discriminate in the publication or distribution of advertising material, information, or solicitation regarding employment, public accommodations, public services, ~~or~~ housing, OR HEALTH CARE.

(c) No person shall coerce, intimidate, threaten, harass, retaliate against, BULLY or interfere with any person:

(1) In the exercise or enjoyment of, or on account of one's having exercised or enjoyed, or on account of one's having aided or encouraged any person in the exercise or enjoyment of, any right protected in this chapter; or

(2) Making a complaint or assisting in an investigation regarding a violation or alleged violation of this chapter.

(d) No person shall require, request, conspire with, assist, BULLY or coerce another person to:

(1) Discriminate in any manner prohibited by this chapter; or

(2) Intimidate, threaten, harass, or retaliate against another person for making a complaint or

1 assisting in an investigation regarding an alleged violation of this chapter.

2
3 (e) No person shall provide false or misleading information to any authorized person
4 investigating a complaint regarding a violation or alleged violation of this chapter, or sign a
5 complaint for a violation of this chapter based upon false or substantially misleading
6 information.

7 (Ord. No. 1120, § 1, 12-18-06)

8
9 297.08. - Exceptions.

10 Notwithstanding anything contained in this Chapter, the following practices shall not be
11 violations of this chapter:

12 (a) Employment;

13 (1) This chapter does not apply to the employment of any person by his/her parent, spouse,
14 or child.

15 (2) It is permissible to discriminate in hiring and selecting between one person and another
16 based on bona fide occupational qualifications. Upon a claim of discrimination, the
17 Claimant shall have the burden of making a prima facie showing that a qualification or
18 selection resulted from a prohibited discriminatory act. An employer shall then have the
19 burden of establishing that a qualification or selection criterion is reasonably necessary
20 for the claimant to perform in the normal operation of the business. The Claimant will
21 then have the burden of showing that such qualification or criterion is mere pretext.

(1) It is permissible to give preferential treatment in hiring to veterans and their relatives as required by federal or state law.

(2) It is permissible to engage in a bona fide effort to establish, maintain, or improve employment opportunities for persons protected from discrimination and harassment under this chapter.

(5) It is permissible to consider legal source of income as a bona fide occupational qualification where the employment involves non-compete agreements, trade secrets, or similar legally recognized restraints on employment based on source of income.

(b) Public accommodation and public services;

(1) It is permissible to restrict the use of shower or changing areas in health clubs or recreational facilities on the basis of sex when separate and private shower or changing areas do not exist.

(2) It is permissible to refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

(3) It is permissible to refuse to admit persons under 18 years of age to a business providing entertainment or selling literature or merchandise, which the operator of the business deems unsuitable for minors, or which is a “sexually explicit matter” as defined by Section 3 of Act 33 of the Public Acts of 1978, codified at MCL 722.673.

(4) It is permissible for an educational institution to limit the use of its facilities to those affiliated with such institution.

(5) It is permissible to provide discounts on products or service to students, minors, and

1 senior citizens.

2 (6) it is permissible to restrict participation on athletic teams or in athletic events on the basis
3 of age.

4 (c) Housing;

5 (1) It is permissible to discriminate in any arrangement for the sharing of a single unit
6 dwelling, the remainder of which is occupied by the owner or a member of his/her
7 immediate family.

8 (2) It is permissible for the owner of a dwelling devoted entirely to the housing or
9 accommodation of a single sex to restrict occupancy and use on the basis of sex.

10 (3) This chapter does not require any person who does not participate in the Federal Section 8
11 Housing Assistance Program to accept any subsidy, payment assistance, voucher or
12 contribution in connection with such program, or to lease or rent to any tenant or
13 prospective tenant who is relying on such a subsidy as payment for at least part of the rent.

14 (Ord. No. 1120, § 1, 12-18-06)

15
16 297.09. - Other exceptions as required by law.

17 This chapter shall not be construed to limit rights granted by State or Federal Constitution, law,
18 rule or regulation, including but not limited to, the following:

19
20 (a) It is permissible to discriminate in employment, public accommodation, public services,
21 housing, AND HEALTH CARE based on a person's age, income level, or mental or physical

1 limitations when such discrimination is required or allowed by Federal, State or Local
2 constitution, law, rule or regulation.

3
4 (b) It is permissible for a governmental institution to restrict access to any of its facilities or to
5 restrict employment opportunities based on duly adopted institutional policies that conform to
6 Federal, State or local constitution, law, rule or regulation.

7 (c) This chapter shall not be read to prohibit or interfere with the exercise of a person's first
8 amendment rights.

9 (d) It is permissible for a religious organization or institution to restrict employment
10 opportunities, housing facilities, or accommodations that are operated as a direct part of religious
11 activities to persons who are members of or who conform to the moral tenets of that religious
12 institution or organization.

13 (e) It is permissible to limit occupancy in a housing development or to provide public
14 accommodations or employment privileges or assistance to persons of low income, over 55 years
15 of age, or who have a physical or mental limitation.

16 (f) It is permissible to discriminate based on a person's age when State, Federal, or local law
17 requires it.

18 (g) It is permissible to refuse to enter into a contract with an emancipated minor.

19 (h) Nothing in this chapter shall affect, replace, or diminish the duties, obligations, rights, or
20 remedies as otherwise provided by any union contract, collective bargaining agreement, or
21 federal, state or local constitution, law, rule or regulation, which shall control over this chapter.

(i) This chapter shall not be read to require an employer, whether public or private, to provide benefits to UNMARRIED domestic partners in contravention of Article I, Section 25 the Michigan Constitution.

(Ord. No. 1120, § 1, 12-18-06)

297.10. - Complaints.

(a) Any person claiming to be discriminated against or harassed in violation of this ordinance may file with the department of Human Rights Community Services (the “Department”) a complaint, in writing, setting forth with reasonable specificity the person or persons alleged to have violated this chapter, the specific nature of the violation and the date(s) of the alleged violation. A person filing a complaint must do so within 180 days of the incident forming the basis of the complaint.

(b) To the extent permitted by law, all written complaints of discrimination in employment, public accommodation, public services, and housing received by the department shall be kept confidential.

(c) Upon receipt of the complaint the department shall:

- (1) Be responsible for receipt, recordation, investigation, mediation, conciliation, recommendation, and/or referral to the Office of the City Attorney;

(2) CONTACT THE CLAIMANT TO DISCUSS THEIR CONCERNS AND SCHEDULE

AN INFORMAL CONFERENCE (ESTIMATED TIME WITHIN 45 DAYS);

(3) ~~(2)~~ Ensure there are no undue burdens placed on a Claimant, which might discourage filing of a discrimination complaint;

(4) ~~(3)~~ Commence and complete the complaint investigation, mediation/conciliation, and recommendation process in a timely manner; AND

~~(4)~~ Promulgate and publish rules and guidelines for processing, investigating, mediating/conciliating, and recommending resolution of the complaint. (Ord. No. 1120, § 1, 12-18-06)

297.11. - Investigation and hearing.

(a) During an investigation, the department may request the appearance of witnesses and the production of books, papers, records or other documents that may be relevant to a violation or alleged violation of this chapter.

(b) If the department determines that the complaint and preliminary evidence gathered indicates a prima facie violation of an ordinance in this chapter, the department shall assign a person to conduct a hearing (hereinafter referred to as the "Hearing Officer") within 90 days after completion of its preliminary investigation. The person who is alleged to have committed a violation (the "Respondent") and the claimant shall be sent by regular mail at least 14 days advance, notice of the scheduled date and time of the hearing and a request for each to appear. At

1 the hearing, testimony will be taken. All testimony shall be on the record, under oath and either
2 recorded or transcribed. Both Claimant and Respondent shall be allowed to testify, present
3 evidence, bring witnesses to testify, and to cross examine all witnesses at the hearing. Technical
4 rules of evidence shall not apply.

5
6 (c) A failure of either the Claimant or the Respondent to cooperate with the department may
7 result in an adverse determination for that person at the hearing.

8 (Ord. No. 1120, § 1, 12-18-06)

9
10 297.12. Findings and recommendations.

11 The Hearing Officer shall make findings of fact based on the testimony and evidence introduced
12 at the hearing and shall recommend such relief as the hearing officer deems appropriate. The
13 Claimant and Respondent shall have the right to appeal the Hearing Officer's findings and
14 recommendations in writing within 30 days to the Director of the department. On appeal, the
15 hearing record and Hearing Officer's findings and recommendations shall be reviewed by the
16 Director of the department, who shall approve, approve with modification, or disapprove of the
17 findings and recommendations. After the Director's review, the department's findings and
18 recommendations shall be served by regular mail on the Claimant and Respondent. The parties
19 shall have 30 days to comply with such findings and recommendations, unless a different time to
20 comply is provided by the department.

21 (Ord. No. 1120, § 1, 12-18-06)

297.13. Available recommendations and remedies.

If a violation of this Chapter is found the Hearing officer may recommend that remedial action be taken. The recommended remedies may include, but are not limited to one or more of the following:

- (a) Ceasing the illegal conduct cited in the complaint and taking steps to alleviate the effect of such illegal conduct;
- (b) The respondent apologize to the Claimant;
- (c) Closure of the matter based upon a mediation/ conciliation agreement of the Claimant and Respondent;
- (d) The respondent pay damages for injury or loss;
- (e) Hiring, reinstating, or promoting the Claimant, with or without back pay, or providing such fringe benefits as the Claimant may have been denied;
- (f) Selling or leasing of housing or dwelling unit in question to the Claimant;
- (g) Admitting the claimant to a place of public accommodation or extending full and equal use and enjoyment of said place of public accommodation;
- (h) Paying some or all of the claimant's costs, costs incurred at any stage of review;
- (i) Posting the explanation of and requirements for compliance with this chapter;
- (j) Dismissing the complaint; and
- (k) Imposing costs against a Claimant for a frivolously filed claim.

The Hearing officer shall attempt to resolve the matter by party conciliation and if unable to do so, by referring it to the City attorney for prosecution.

(Ord. No. 1120, § 1, 12-18-06)

297.14 Conciliation Agreements.

In cases involving alleged violations of this chapter, the Hearing officer may have the parties enter into agreements whereby the involved parties agree to take steps that will terminate continued discriminatory practices and/or compensate for past and future injury. Violations of such agreements shall be violations of this chapter.

(Ord. No. 1120, § 1, 12-18-06)

297.15. - Civil infraction.

(a) A violation of any provision of this chapter is a civil infraction and shall be prosecuted by the City attorney. Each day upon which a violation occurs shall constitute a separate and new violation.

(b) If the Hearing Officer determines that a violation of this chapter has occurred and the Respondent does not comply with the Hearing Officer's recommendation within the specified time period, either the Complainant or the Hearing Officer may refer the matter to the City

Attorney, County Prosecutor, the Michigan Department of Civil Rights, the United States Department of Justice, Department of Housing and Urban Development, or other appropriate enforcing agency.

(c) The City Attorney may commence legal action by filing and serving a complaint to obtain injunctive relief or any other remedy in an effort to prevent further conduct prohibited by this chapter and to remedy the effects of such conduct.

(d) A violation of a prohibited act in this chapter is designated a municipal civil infraction, is not a crime, and shall not be punishable by imprisonment.

(e) Schedule of civil fines. The violation shall be according to the following schedule:

(1) First violation \$ 150.00

(2) Second violation \$ 250.00

(3) Third (or any subsequent) violation \$ 500.00

(f) Continuing violation.

(1) For an offense that is a single and discrete occurrence, a single violation shall accrue (for example, a single act of harassment like a racial epithet). Subsequent single and discrete occurrences shall result in additional violations according to the above schedule (for example, two separate instances of racial epithets would constitute a

first and second violation).

(2) For offenses that are continuing in nature, rather than single and discrete, the first violation shall accrue with the first day of the occurrence, and subsequent violations shall accrue for each additional day of that occurrence (for example, an impermissible hiring practice that continues each day on an ongoing basis).

(3) For continuing violations under subsection (f)(2), the day of the first occurrence shall be measured from the day of service of the City Attorney's complaint.

(Ord. No. 1120, § 1, 12-18-06)

297.16. - Private actions.

Any person who is the victim of discrimination in violation of this chapter retains his or her right to pursue any and all other legal action to which the person may be entitled in addition to the remedies available under this chapter. Nothing in this chapter shall be construed to limit rights granted under the laws of the State of Michigan or the United States.

(Ord. No. 1120, § 1, 12-18-06)

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
immediate effect by City Council.

Approved as to form:

City Attorney

Dated: _____